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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,188	03/03/2004	Manfred Stober	MOS01 P-106	4919

7590 06/16/2006
Van Dyke, Gardner, Linn & Burkhart, LLP
P. O. Box 888695
Grand Rapids, MI 49588-8695

EXAMINER

OKEZIE, ESTHER O

ART UNIT PAPER NUMBER

3652

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/792,188	STOBER ET AL.	
	Examiner	Art Unit	
	Esther O. Okezie	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 10-18 and 31-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9, 19, 24-30, 38 and 39 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I: Figures 1 and 2 in the reply filed on March 28th 2006 is acknowledged.

Claims 10-18 and 31-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 28th 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,2,9,19,24-28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by LaCount US 4,708,382. LaCount discloses a lifting hook comprising a shaft (26) of the load hook mounted in the recess of a carrier body 930) and able to turn about a vertical axis (col. 1, lines 22-25), said shaft mounted in a continuous bore (44) of a support element (40) and thrust against the carrier body by at least one axial bearing (80); said shaft being mounted in the carrier body by a bearing arrangement

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comprising said support element, said at least one axial bearing, and a retaining ring (66) surrounding said shaft; said bearing arrangement being secured by a fastening element (68) in said carrier body; said retaining ring is fastened by a securing element (50) in said carrier body; said support element (40) forms an upper shell of said axial bearing; the fastening element comprises a snap-ring (68); said shaft of the load hook is secured on said support element by a securing element, which in the assembled condition engages an undercut (29) at the free end of said shaft and is arranged in an indentation of said support element (see Figure 3); said securing element comprises a snap-ring (68); said undercut is fashioned as a peripheral annular groove (29); said undercut is configured as a tapering (machine taper 28) of the shaft cross section, proceeding from the free end of the shaft (see Figure 4); wherein at least one closed from said support element (40) have a planar bearing surface (49) for said axial bearing; wherein said support element (40) forms an upper shell (49) of said axial bearing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaCount in view of Anderson et al. US 2,823,944. LaCount discloses ball bearings (80) around the shank of the hook, not needle roller bearings. Anderson et al discloses a load hook

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including roller bearings (43 and 44) provided around the shank (37) of the hook (36). It would have been obvious to one of ordinary skill at the time of the invention to modify the arrangement of LaCount with roller bearings as taught by Anderson et al. because roller bearings are used instead of ball bearings for heavier radial loads.

3. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaCount in view of Hoover et al US 2,500,459. LaCount does not disclose a recessed handle in the carrier body. Hoover et al discloses a load hook with a recessed handle (20) located in the housing body (A). It would have been obvious to one of ordinary skill at the time of the invention to provide the load hook of LaCount with a recessed handle as taught by Hoover et al. in order for an operator to easily maneuver the apparatus.

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaCount in view of Fanger et al US 5,851,039. LaCount does not disclose the hook connected to two cable rollers of a lower block. Fanger et al discloses a lower block apparatus with two cable rollers or pulleys (3). It would have been obvious to one of ordinary skill at the time of the invention to combine the hook of LaCount with a lower block sytem of two pulleys in order to raise and lower loads.

Allowable Subject Matter

Claims 3-8 and 20-23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EOO 6/11/06



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600